

Members

Rep. Vanessa Summers, Chairperson
Rep. Dennis Tyler
Rep. Cleo Duncan
Rep. Phil Hinkle
Sen. Gary Dillon
Sen. Ed Charbonneau
Sen. Connie Sipes
Sen. Sue Errington
Hugh Beebe
Dr. Gladys Beale
Michael Carmin
John E. Taylor
Dave Becker



INDIANA COMMISSION ON AUTISM

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MEETING MINUTES¹

Meeting Date: September 10, 2008
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Rm. 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Vanessa Summers, Chairperson; Rep. Dennis Tyler; Rep. Cleo Duncan; Rep. Phil Hinkle; Sen. Ed Charbonneau; Sen. Connie Sipes; Sen. Sue Errington; Hugh Beebe; Michael Carmin; John E. Taylor; Dave Becker.

Members Absent: Sen. Gary Dillon; Dr. Gladys Beale.

Representative Vanessa Summers, Chairwoman, called the meeting to order at 1:06 P.M. Following introductions of Commission members and LSA staff, Chairwoman Summers called Rusty Goodpaster, Executive Director of the Law Enforcement Academy (LEA), to testify.

Director Goodpaster testified on the number of hours in the law enforcement curriculum (six hours) devoted to training law enforcement candidates in disability recognition, such as Autism. He said that, under the statute for first responders established last year, LEA did not need to adjust their course work in the area of disability awareness training. Therefore, he concluded that the law change did not impact their course curriculum or budget. Mr. Goodpaster introduced Lieutenant David Younce of LEA to testify further.

Lt. Younce said that LEA had worked closely with the Family and Social Services Administration (FSSA) on the training curriculum for a course in mental illness recognition and other disabilities

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

such as autism, cerebral palsy, epilepsy, impaired function, and others. Lt. Younce added that the emphasis in the curriculum is how to effectively communicate with persons with disabilities. He said that the Department of Correction had been involved with communication training and awareness of persons with mental illness for about four years.

Representative Duncan asked if there is a need for further training? Lt. Younce replied it is hard to know, unless trained in what to look for, that a person simply walking down the street could have a disability or mental illness. He said unfortunately there are occurrences where persons find themselves in the back of a police car simply because they had an epileptic seizure or other issue that an arresting officer may not have recognized as such.

Chairwoman Summers asked if there was any further need for first responder legislation.

Representative Duncan recounted an incident between a person with Autism detained by a law enforcement officer. She said the person could not understand the officer's commands through a closed window and attempted to exit the vehicle from the passenger side of the car. She said the officer threatened 'don't get out of the vehicle or I'll shoot you'. She said, after the officer recognized the person had a disability, they were 'still a bully' toward the person.

Director Goodpaster replied that officers have received prior training, but mistakes will still be made. He added that something could be done with ongoing training. If a designated number of additional hours of training were not added to address disability issues, then inexpensive ongoing options such as podcasts or webinars would be good training measures. He said that officers could view the training regardless of the timing of their shifts.

Representative Tyler asked what the training regimen is for police officers with regard to medical response. Director Goodpaster responded that officer candidates have EMT awareness class. He said Autism is mandated with FSSA in the six hours of training providing disability/illness awareness.

Representative Tyler asked why the new statute covering first responder training in Autism only applied to medical personnel, such as EMTs.

Director Goodpaster explained that law enforcement officers are not required to be certified as an EMT.

Representative Tyler added that a city may require its first responders in law enforcement to be EMT-certified.

Senator Charbonneau asked if the legislation that passed this year affected the Law Enforcement Academy. Director Goodpaster answered that it did not.

Chairwoman Summers added that the number of incidences similar to the incident referred to by Representative Duncan are increasing. She said that there is a need to revisit training received by law enforcement officials so similar situations could be avoided in the future. She asked if the Commission should develop legislation to update continuing education requirements to include podcasts and updates to the current curriculum.

Senator Charbonneau asked Director Goodpaster if LEA had gone through the legislation.

Director Goodpaster said that, yes, they did review the legislation. He continued that LEA would prefer that legislation did not mandate curriculum changes, but rather work with the Commission through other avenues.

Senator Charbonneau asked if the legislation had affected LEA's curriculum, what would the effect have been?

Director Goodpaster responded, without a specific number of hours mentioned, there was literally no effect. He continued that if a specific hour requirement had been put into place, then LEA would have to adjust the curriculum. He stated that LEA's basic course includes 600 hours of instruction over a 15-week period. He finished by saying that if an additional hour of instruction were added to the curriculum, then an existing hour would have to come out.

In response to a question by Representative Hinkle over officer "hotlines" for instruction on what to do when confronted with a person with Autism, Lt. Younce said that there are a lot of tools available, such as grants to buy equipment. Lt. Younce briefly mentioned the child bracelet program. He mentioned a program where parents go to the law enforcement agency and leave instructions on the best method to calm a child down until they get there.

Chairwoman Summers asked if there is someone actively pursuing the use of this program. She added she thought this program was a good idea.

Lt. Younce said there was a program in some states. Chairwoman Summers inquired about Indiana. Lt. Younce said, to his knowledge, there was no parent program existing in Indiana.

Mr. Beebe, member, stated that this makes training much more important for town marshals who infrequently see a child with Autism. Director Goodpaster replied that a town marshal would receive the same training as other law enforcement candidates.

Chairwoman Summers said that she thought there was a need to reeducate by making it mandatory, by 2009, for Autism identification, updates, and refresher courses within the existing 24-hour continuing law enforcement education course.

Representative Hinkle said that the Commission should be cognizant that the additional requirements could put more stress on law enforcement officers to be knowledgeable in Autism. He asked if the Commission really wants to go down that route in place of a basic overview and an officer help hotline.

Testimony then shifted to Daniel Seitz, Esq., representing the Indiana Association of Health Plans.

Mr. Seitz began by saying he was called on by the Commission to discuss health care coverage with respect to behavior therapists. He said it is always a pleasure to come before the Commission to testify.

He said he called Michelle Trevetti. Within the scope of their conversation and a conversation with the Department of Insurance (DOI), Mr. Seitz said he identified three insurance companies that were in question as to whether they were providing coverage for visits to behavior therapists. He identified the companies as Anthem, Advantage, and possibly Principal.

Mr. Seitz said he understood from conversations with Anthem that their policy is not one that would create problems with coverage for behavior therapy. He said, however, in the course of human error, there may have been mistakes in providing coverage in a certain circumstance.

Mr. Seitz said that Advantage had three cases where there was an issue, but there was nothing in those cases that indicated payment was contrary to their policy coverage.

Mr. Seitz concluded that Principal assured him in their conversation that the core problem did

not exist within their policy coverage, either.

Mr. Seitz briefly discussed out-of-network providers, particularly, if a behavioral analyst does belong to a network. He said the issue is in ongoing discussions with the DOI and possible market conduct investigation.

Mr. Seitz concluded the current law has been in effect for a number of years. He continued that although there may have been case-by-case human error, he said it was incorrect to conclude there were policy issues with the three companies that would leave a covered individual unqualified for payment.

Ms. Anne Doran added to please feel free to contact her with a constituent complaint. She said her office would be glad to refer the issue to the DOI should there be reason to do so. She said sometimes cases “fall through the cracks” and should be corrected immediately.

Representative Summers then set the next meeting date for 11:00 A.M. on October 8, 2008, at the Indiana Resource Center on Autism (IRCA) in Bloomington.

Representative Duncan was recognized by the Chair to clarify her comments on IRCA’s budget from last meeting. She said that the Commission should recommend to the Budget Committee a line-item appropriation for IRCA in the next budget.

Peter Bisbecos of FSSA was recognized to testify. Mr. Bisbecos provided a handout of his presentation. His testimony closely followed the handout. (Please refer to Exhibit A.)

Senator Errington asked Mr. Bisbecos why there were many more interventions in Area 5. (Please refer to slide 28 of Exhibit A.) Mr. Bisbecos replied that he did not know directly other than perhaps there was more acute recognition of Autism there.

Mr. Bisbecos commented on Oasis rates. He said that there was agreement not to release the rates until the ratios and service definitions were available for publication in bulletins. He said they would look at the rates next Tuesday and then release. He concluded there was a need to make sure the definitions were correct so that persons looking would be able to compare apples to apples.

Dr. Cathy Pratt, IRCA, then testified directly from two handouts. (Her basic testimony and IRCA’s legislative proposal are referred to in Exhibit B.)

In addition, an appropriation history and a count of students with Autism (Exhibit C) were handed out, from which she provided additional testimony.

Chairwoman Summers asked what the Commission thought of IRCA’s proposal. She also asked Dr. Pratt how existing facilities would be used.

Dr. Pratt responded that the Logan Center is used as a resource center, or IRCA will contract with Logan for specific events. She said of Riley Hospital that there is no better resource for physicians. She said IRCA regularly contracts with them.

Representative Hinkle said to Dr. Pratt that if IRCA is serious about a \$5 M budget, there is a need for a more detailed breakdown on what the money would go to, specifically which facilities. He said that it is likely there would be lower rental rates in the northern and southern regions of the state than in the central region.

Dr. Pratt replied that IRCA would be happy to show more detail at the Bloomington meeting.

Representative Hinkle asked what the state provides IRCA, currently. He asked if 2007 was it.

Dr. Pratt affirmed that the IRCA state appropriation is assumed to be flat-lined for the next two years at the 2007 level.

Dr. Pratt continued that she realized that the IRCA only has 13,000 persons on their mailing list. However, she said they realize that they do not always reach the Northern Indiana neighborhoods.

Senator Sipes said that she really liked the concept from IRCA. She said that she hoped that there would not be a waste of resources by building community centers next to schools that are available for use after hours.

Dr. Pratt said existing facilities would be used. She said Indiana is unique in that our Medicaid waiver, the insurance mandate, and cooperation with the larger Developmentally Disabled waiver community allows for the use of existing resources. She continued that other states' disability communities fight each other. Therefore, she concluded, Indiana is ahead and other disability organizations, as a result, can come through the door opened by Autism.

Chairwoman Summers said that the way to get things done is to chip away at the mountain of loot. She said she liked the idea of slimming the proposal of IRCA's down to a three-location pilot program (one location in the north, central, and south respectfully) and to see what that looks like in a piece of legislation. Chairwoman Summers at Representative Hinkle's suggestion agreed that they should receive a breakdown from IRCA on both a full program and the pilot program she had just recommended.

Chairwoman Summers continued that she would like members to come up with other ideas for legislation by the next meeting. She mentioned she would like to see draft legislation for the mandatory police continuing education be modified to include Autism training within the existing 24 hours.

Senator Sipes inquired as to what is being done to train educators in Autism awareness so that educators are aware of what to do.

Chairwoman Summers said that special educators probably get training.

Senator Sipes followed that it is important that general educators get training as well, given the goal that special education students would be transferred to general education.

Representative Hinkle said that was a good observation on Senator Sipes' part. He said parents may not have noticed their child is autistic if they have not seen anything abnormal by second grade; often their teacher is the one to identify it.

Senator Errington asked Dr. Pratt if there were any initiatives with child care provider training.

Dr. Pratt said that some child care providers do attend some form of training in recognition of Autism. However, it is difficult to determine training needs as there is not a clear expectation of what child care providers should know.

Representative Duncan said that Bob Marra with the Department of Education Division of Exceptional Learners has been in to testify to the Committee before.

Kylee Bassett with the Department of Education Division of Exceptional Learners discussed that there is no specific Autism training given to special educators. An intervention license received

by an educator is based on mild, moderate, or severe affliction caused by the child's disability.

Dr. Pratt added that having established Autism competencies would help at the university level.

Representative Duncan said this is an issue that needs to be addressed with all educators.

Chairwoman Summers stated her request for proposed legislation for an IRCA budget for a three-location pilot program.

With no further business to come before the Commission, Chairwoman Summers adjourned the meeting at 2:50 P.M.